



CITY OF HOUSTON

Administrative Procedure

Subject: **Violence in the Workplace**

A.P. No:

3-21

Effective Date:

September 5, 2014

1. AUTHORITY

- 1.1 Article VI, Section 7a, City Charter of the City of Houston.

2. PURPOSE

- 2.1 To ensure a safe workplace by reducing the potential for workplace violence.
- 2.2 To encourage timely reporting of workplace violence.
- 2.3 To prepare all City of Houston departments to recognize and respond appropriately to acts of workplace violence.

3. OBJECTIVE

- 3.1 To define workplace violence and identify prohibited conduct.
- 3.2 To increase awareness of behavior that frequently precedes acts of workplace violence.
- 3.3 To establish a procedure for reporting and investigating workplace violence.
- 3.4 To establish a plan for incident management should workplace violence occur.

4. SCOPE

- 4.1 This policy applies to all City of Houston employees.

5. DEFINITIONS

Assault – Intentionally or knowingly threatening to cause imminent bodily injury to another person; or intentionally or knowingly causing physical contact with another person when the actor knows or should reasonably believe that the other will regard the contact as offensive or provocative.

Intimidating Communications – Any communication that would make a reasonable person feel afraid of being physically harmed.

Reasonable Suspicion – An articulable belief based on specific facts and reasonable inferences drawn from those facts.

Stalking – The repeated following or harassing of another person in such a manner as to cause a reasonable person to fear bodily injury to himself/herself, member(s) of his/her family or colleagues, or injury to his/her property.

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Threat – An expression of intent to inflict something harmful. An indication of impending danger or harm; to give signs or warnings of impending danger or harm (Threat of violence against another person is a violation of the law and it is the employee’s option whether it is reported to the Houston Police Department (HPD) or not).

Threat Assessment Team – A team identified for each department, consisting of representatives from the Legal Department, Human Resources Department (HR), Security Management Division of the General Services Department, Employee Assistance Program (EAP) and a department designee of the department involved. The Threat Assessment Team may add additional members on a consultative basis as needed.

Workplace – Any location where an employee performs any work-related activity. Workplace is broadly defined to include City facilities, City property, worksites, City-owned vehicles or personal vehicles being used to conduct City business.

Workplace Violence – Any physical assault upon a person, stalking, vandalism or destruction of property, or words or behavior by an employee or any third party which a reasonable person would consider to be a threat of physical harm to persons or damage to or destruction of property in the workplace. This may include physical harm inflicted on the employee by him/herself.

6. PROHIBITED CONDUCT

6.1 The City of Houston is committed to providing a safe, respectful and productive work environment. It is every employee’s duty to maintain a safe workplace. Consistent with this policy, workplace violence will not be ignored, condoned, or tolerated.

The following are examples of prohibited conduct:

- 6.1.1 Intentionally, recklessly or knowingly causing physical injury to another person;
- 6.1.2 Aggressive behavior causing a reasonable person to fear injury to any person, or which would cause a reasonable person to experience severe emotional distress (including threats of physical force, extreme behavioral outbursts such as hitting, kicking or purposely breaking something);
- 6.1.3 Causing intentional damage to City property or the property of another person or employee;
- 6.1.4 Unauthorized possession or unauthorized display of a weapon while on or in City property or on City business. Objects such as tools, motorized vehicles and equipment can be considered weapons when used in a violent or threatening manner;
- 6.1.5 Domestic violence;
- 6.1.6 Arson;
- 6.1.7 Sabotage (either by omission or commission);
- 6.1.8 Stalking;
- 6.1.9 Threatening or intimidating communications, however made and via any form of delivery, including but not limited to communications made in person, by telephone, computer or any electronic device, whether written, verbal, text or in the form of instant messaging, etc.; and

6.1.10 Offensive jokes or comments regarding participation in violent events.

6.2 The City shall use reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public. Any unlawful actions committed by employees, members of the employee's family, or members of the public while on City property, or while using City facilities may also be subject to criminal prosecution.

6.3 If there is a reasonable suspicion that an employee may be carrying a prohibited weapon in the workplace, that employee may be asked by a supervisor to submit to a voluntary search. The City has the right to inspect any City property and personal property on City premises including, but not limited to, lockers, desks, City vehicles and containers, personal tool boxes, lunch boxes, briefcases, handbags, tote bags or other personal bags. Failure to allow a search upon reasonable request or a supervisor's confirmation of the presence of an unauthorized weapon following a search will subject the employee to disciplinary action up to and including indefinite suspension/termination.

7. EARLY WARNING SIGNALS

7.1 Employees, supervisors and managers should be mindful of actions and behaviors that may signal an increased risk of violent behavior:

7.1.1 Expressions of violent behavior, before or after termination of employment with the City;

7.1.2 Excessive discussion of weapons at work, carrying a concealed weapon or "flashing" a weapon to test reaction;

7.1.3 Making direct or veiled threats of harm (i.e., expressions that bad things are going to happen to a coworker or supervisor);

7.1.4 Physically or psychologically abusing others or instilling actual fear of harm in coworkers, subordinates, or supervisors (can be through physical or verbal intimidation);

7.1.5 Behaving in a paranoid manner, panicking easily, often perceiving himself/herself as a victim;

7.1.6 Displaying hopelessness through statements like "What's the use?" "Nothing matters anymore," or "I've got no future";

7.1.7 Making suicidal references, or threats, or making or describing plans consistent with committing suicide such as getting personal affairs in order, selling off possessions, etc.; and

7.1.8 Verbalizing a hope for something to happen to the person who has criticized him/her or against whom a grudge is held.

8. INCIDENT MANAGEMENT

8.1 If physical harm associated with workplace violence occurs or appears imminent, immediately retreat to safety. Initiate containment and intervention measures to safeguard coworkers and/or the public by calling building security, and in the event of emergency, calling 9-1-1.

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- 8.2 The City's existing evacuation plan for fires and bomb threats will apply and be considered the Incident Management/Evacuation plan. Fire wardens or other department designees shall be responsible for the coordination of emergency response actions in the building until the HPD/Houston Fire Department (HFD) or other appropriate security personnel arrive on-scene and take control of the situation. HPD shall be responsible for ensuring all fire wardens and other department designees are trained appropriately.
- 8.3 Each department will publish to its employees the telephone numbers of HPD and building security in order to facilitate an appropriate and speedy response in the event of an emergency.
- 8.4 If a call to 9-1-1 is made, that call must be followed as soon as practicable, as determined by the circumstances, by calls to a supervisor who will then contact senior department management.
- 8.5 Any employee who is victimized, observes or has knowledge of a violent or potentially violent situation must immediately report the incident to his/her manager or supervisor, or, if that is not feasible, to a manager or supervisor within the department or to HR. All reports of violence or threats not immediately referred to HPD will be promptly and thoroughly investigated by the Office of the Inspector General (OIG). Confidentiality will be maintained to the extent feasible to protect the rights of those concerned. Any employee found to have violated any aspect of this policy may be immediately removed from the premises, and may be subject to disciplinary action up to and including indefinite suspension/termination. The employee may also be subject to criminal prosecution.
- 8.6 All employees should maintain an awareness of their coworkers' behavior, as well as that of others including citizens, contractors, vendors, etc.
- 8.7 Department management will communicate with HPD to assist in determining the appropriate course of action. In the event of an incident involving injury, initial responsive action will focus on removing the violent employee from the workplace and obtaining medical assistance and emotional support to those involved in the incident. Department management will promptly notify OIG to initiate its investigation of the incident.
- 8.8 In the event of a threat of violence, HR will, in collaboration with the Threat Assessment Team, recommend action to be taken concerning the employee and the workplace. The employee may be placed on relief of duty with pay while the incident is under investigation by either OIG or HPD.
- 8.9 Employees making threats of violence or behaving in such a manner as to cause concern for the safety of the employee or others shall be encouraged to meet with an Employee Assistance Program (EAP) professional or the City may request additional evaluations if it is deemed prudent and necessary.
- 8.10 If an employee represents a risk to the safety of themselves, their coworkers, or members of the general public, the department may recommend that the employee be separated from employment with the City.

9. INVESTIGATION

- 9.1 Any report of workplace violence brought to a manager's or supervisor's attention must be investigated immediately and discretely, and appropriate action taken, where possible,

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in order to protect employee(s) or others from harm or further violence. Managers and supervisors who have reason to believe that an employee is or has been the victim of violence shall attempt to intervene to provide assistance through referral to EAP. Supervisors/Managers will report occurrences of workplace violence or their reasonable suspicion concerning the potential for acts of workplace violence to their management and HR immediately.

- 9.2 All incidents involving emergency and/or criminal activity will be referred to HPD for investigation.
- 9.3 All workplace violence incidents that do not involve an emergency situation, and/or criminal activity, must be officially reported to OIG for investigation. The Inspector General will conduct a thorough investigation. It is the responsibility of the department head to ensure that, in consultation with the appropriate resources (i.e., Legal Department, HR, and OIG), remedial action is taken and repetition of the incident prevented where feasible.
- 9.4 The Threat Assessment Team may make recommendations to the department head for corrective, preventative or other action as it may deem appropriate.

10. COMPLIANCE

- 10.1 Compliance with this policy is mandatory. Any employee who violates or fails to comply with or enforce, as appropriate, this policy will be subject to disciplinary action up to and including indefinite suspension/termination.
- 10.2 An employee will not suffer adverse employment consequences for making a complaint. However, because of the serious nature and consequences of the alleged offense, an employee who intentionally makes a false report of workplace violence may be subject to disciplinary action up to and including indefinite suspension/termination. Additionally, employees, supervisors or managers who fail to immediately report violations of this policy or who fail to cooperate and/or facilitate an investigation shall be subject to disciplinary action up to and including indefinite suspension/termination.

11. TRAINING

- 11.1 HR will develop and conduct training for all supervisors on the City's policies regarding Violence in the Workplace, and will provide training to department employees at a minimum of every two years or as requested by department directors or designees.